

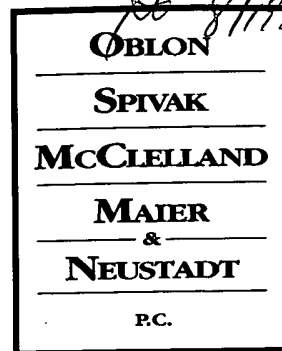


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TECH CENTER 1600

Docket No.: 204936US0X



ATTORNEYS AT LAW

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

RE: Application Serial No.: 09/810,506
Applicants: Teruaki TAJI, et al.
Filing Date: March 19, 2001
For: A METHOD FOR INCREASING STRESS-
RESISTANCE TO A PLANT
Group Art Unit: 1738
Examiner: COLLINS

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TC 1700

SIR:

Attached hereto for filing are the following papers:

Response to Restriction Requirement

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

Teruaki TAJI, et al.

SERIAL NO. : 09/810,506

FILED: MARCH 19, 2001



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: EXAMINER: COLLINS

:

: GROUP ART UNIT: 1638

FOR: A METHOD FOR INCREASING STRESS-RESISTANCE TO A PLANT

RESPONSE TO RESTRICTION REQUIREMENT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

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In response to the Official Action dated July 10, 2002, Applicants elect, with traverse,
Group II, Claim 1, 3-7 and 9.

REMARKS

The Office has required restriction in the present application as follows:

Group I: Claims 1-2 and 4-8, drawn to a method for increasing stress resistance to a plant which comprises introducing into a plant a glactinol synthetase gene encoding a protein of SEQ ID NO:1; and

Group II: Claims 1, 3-7 and 9, drawn to a method for increasing stress resistance to a plant which comprises introducing into a plant a glactinol synthetase gene encoding a protein of SEQ ID NO:2.

Applicants have elected Group II, Claim 1, 3-7 and 9, with traverse.

Applicants note that Groups I and II each contain a gene encoding for the glactinol synthetase gene. Accordingly, Groups I and II each describe gene sequences that encode different isoforms of the same protein, despite possessing divergent sequences, and as such these genes would necessarily be searched together and should not be separated.

Accordingly, there would not be a burden upon the Examiner to examine these groups together.

Applicants respectfully traverse on the additional grounds that the Restriction Requirement on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctness between the identified groups.

Further, MPEP §803 states as follows:


If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.

Applicants submit that a search of all claims would not constitute a serious burden on the Office.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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